



Appeal Decision

Site Visit made on 20 October 2020

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2020

Appeal Ref: APP/M3645/D/20/3257016

Samri, Effingham Road, Burstow, RH6 9RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Khan against the decision of Tandridge District Council
 - The application Ref TA/2020/468, dated 5 March 2020, was refused by notice dated 4 May 2020
 - The development proposed is described as improvements and extension to dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal would be inappropriate development within the Green Belt;
 - ii) the effect on the openness of the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the site and surrounding area; and
 - iv) would the harm, by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (the Local Plan) states that inappropriate development is, by definition, harmful to the Green Belt and will normally be refused. Proposals involving inappropriate development will only be permitted where very special circumstances exist. This approach reflects paragraph 143 of the National Planning Policy Framework (the Framework). Policy DP13 of the Local Plan sets out the Council's approach to the assessment of buildings in the Green Belt. This approach is consistent with paragraph 145 of the Framework which states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a list of specific exceptions.
4. Section E of Policy DP13 sets out that the extension and alteration of buildings within the Green Belt (outside the Defined Villages) is one of the exceptions to the general presumption against new buildings in the Green Belt. This is

consistent with the exception listed in paragraph 145 c) of the Framework which sets out that the extension or alteration of a building is acceptable provided that it does not result in disproportionate additions over and above the size of the original building. This requirement is reflected in Policy DP13.

5. Neither Policy DP13 nor the Framework set out a threshold beyond which an extension should be deemed to be disproportionate. The supporting text to the policy explains that the Council will judge each proposal on its individual merits, taking into account factors such as the size of the original building, the bulk, height, mass and prominence of the extension and the impact of the proposal on the openness of the Green Belt. I deal with the impact on openness separately below.
6. Policy DP13 sets out that, for residential dwellings, the 'original building' will be as it existed on 31 December 1968, or if constructed after that date, as it was built originally. The dwelling predates 1968 and has a complicated planning history, having previously been a garage with living accommodation over before being converted wholly to residential accommodation in 2012. The Council calculates the volume of the 'original building' to be approximately 480 m³ whereas a survey of the property commissioned by the appellant concludes that the 'original' dwelling's volume was approximately 585 m³.
7. However, the evidence before me is that the dwelling was extended with a 2-storey side / rear extension following a grant of planning permission in 1996. Although that scheme included the demolition of an existing single-storey extension, the Council estimates that the replacement extension added approximately 71 m³ to the volume of the dwelling. Consequently, I consider the volume of the original dwelling as at 31 December 1968 to be significantly less than that suggested by the appellant.
8. The Council estimates the proposed extension before me to be approximately 215 m³ which the Council suggests would, in combination with the previous post-1968 extension, result in an increase in volume over and above the 'original dwelling' of approximately 60%. On the other hand, the appellant contends that the proposed extension would be approximately 201 m³, resulting in an increase in the 'original' volume of 30%.
9. Having regard to the post-1968 extension, I consider that the cumulative increase in volume resulting from the proposal before me is likely to be closer to the Council's percentage estimate than to the appellant's. The proposal would also be of significant bulk, height and prominence, being 2-storey and extending the full width of the front elevation of the property.
10. Consequently, I find that the proposal, in combination with the previous extension, would result in disproportionate additions over and above the size of the original dwelling. This is notwithstanding that the proposal represents a reduction in the volume increase from that considered by the Inspector in a previous appeal¹ relating to an alternative proposed extension at the property.
11. I therefore conclude that the proposal would be inappropriate development and would conflict with local and national policies to protect the Green Belt.

¹ APP/M3645/D/19/3232216

Openness

12. As set out in paragraph 133 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are therefore their openness and permanence. Openness has both spatial and visual aspects.
13. The previous extension to the side / rear has resulted in the spatial and visual loss of openness. The proposed extension, although sited to the front of the property rather than to the side as in the previous appeal relating to this property, would result in the further spatial loss of openness. There are clear views of the front and western side elevations from Effingham Road, in which the proposed extension would be prominent due to its bulk and height. The proposed extension would also be visible from the neighbouring properties; Courtlands and Hawthorn Cottage.
14. Whilst a degree of loss of openness is inherent in the extension of buildings allowed for, in principle, by Policy DP13 of the Local Plan and paragraph 145 c) of the Framework, in this case the extent of openness lost through this proposal would be in excess of 200 m³. Consequently, in combination with the previous extension, the proposal would result in a substantial loss of openness, both spatially and visually.
15. I therefore conclude that the proposed development would result in the loss of openness which would be harmful and thereby conflict with local and national policies to preserve the openness of the Green Belt.

Character and appearance

16. The appeal property is a detached 2-storey dwelling on the north side of Effingham Road, one of a row of mainly 2-storey detached dwellings with a mixture of gable ends and pitched roofs on the front elevations. Within the locality dwellings are predominantly detached, either single or 2-storey and of varying designs. They are set back from the road with hardstandings and gardens to the frontages, although the depth and width of the frontages vary. Many of the dwellings are plain and modest in size, with the gaps between them and their being set back giving the road a reasonably spacious character.
17. The appeal property is set back slightly further from Effingham Road than Hawthorn Cottage and Courtlands. The proposed extension would project slightly further forward than Courtlands but would still be set back from Hawthorn Cottage, with a significant proportion of the existing open frontage and the gaps between the properties retained. The resulting property would therefore not unacceptably dominate the site, result in overdevelopment or unacceptable intensification, materially diminish the spacious character of the area or be at odds with the prevailing pattern of development.
18. As noted above, the proposed extension would be clearly visible from Effingham Road. The resulting front elevation would not have as simple a form and appearance as the existing dwelling or the majority of the other dwellings in the area. However, the gable end would reflect the design of the dwellings to either side and the increase in height would not be significant in relation to Courtlands or incongruous with other 2-storey dwellings in the area. In itself, therefore, the design of the proposal would be acceptable.

19. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the site or the area. Accordingly, the proposal would comply with Policy CSP 18 of the Tandridge District Core Strategy (2008) and Policy DP7 of the Local Plan which require, amongst other things, development to reflect and respect character and local context. Nevertheless, this lack of harm is not a factor in the proposal's favour and I therefore give it neutral weight in my decision.

Other considerations

20. The appellant contends that the proposal would create a "far more cohesive building" with improved accommodation and would enable the insulation and weatherproofing of the roof, the installation of photovoltaic panels and the eradication of damp problems. However, whilst these would be benefits of the proposal, I have no specific evidence as to why this is the only scheme that would achieve these benefits. I therefore give them limited weight in my assessment of this appeal.
21. Reference is made to the appellant's wife's mobility issues with a brief indication of how these requirements have influenced the design of the scheme. The extended property would also cater for visiting family members. However, the full extent of the influence of the mobility issues is not clear to me and, in the absence of more substantive evidence, these personal matters carry limited weight.
22. Although the dwelling could potentially be extended through the exercise of permitted development rights, I have no scheme or other evidence before me to demonstrate the effect of such an extension. I therefore also give this consideration limited weight.

Green Belt Balance

23. I have found that the proposed development would be harmful to the Green Belt by reasons of inappropriateness and loss of openness. The Framework requires me to give this harm substantial weight. I find that the other considerations in this case do not clearly outweigh this harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

24. The proposal would conflict with the development plan and national policy to protect the Green Belt. For this reason, the appeal is dismissed.

Martin Small

INSPECTOR